

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**DEFENDANTS' SUGGESTIONS IN OPPOSITION TO  
PLAINTIFF'S MOTION IN LIMINE**

COME NOW Defendants, by and through counsel and for their Suggestions in Opposition to Plaintiff's Motion in *Limine* state the following reasons why it should be denied.

1. On July 19, 2018, Plaintiff filed her Motion *in Limine* [Doc. 26] in the above-referenced case based upon discovery issues that Plaintiff failed to address during the discovery phase of this case.

2. On September 5, 2017, the Court entered its Amended Scheduling and Jury Trial Order [Doc. 15]. In that Order, the Court specifically outlined the discovery dispute procedure in Paragraph 9. Such that,

**DISCOVERY DISPUTE PROCEDURE:** Should any discovery dispute arise, the parties are directed to comply with Local Rule 37.1. Absent full compliance with this rule, the Court will not entertain any discovery motion. A party seeking a telephone conference for discovery purposes shall direct the inquiry to the Courtroom Deputy.

a. POSITION LETTER: At least three (3) days before any discovery dispute conference or hearing, counsel for each party shall submit a Position Letter by email to the Courtroom Deputy. All Position Letters will be kept confidential.

i. The Position Letter must not exceed one (1) page and shall not include any attachments or exhibits. The Position Letter should be typed in 12-point Arial font and have one-inch margins.

ii. The Position Letter shall describe the underlying facts of the dispute, the party's arguments relative to the dispute, and a discussion of the opposing party's anticipated arguments.

b. To ensure candor, the Position Letter shall not be filed with the Court nor shared with opposing counsel; rather, each letter shall be send to the Courtroom Deputy by PDF email attachment.

3. Plaintiff failed to follow any of the Court's direction in dealing with her discovery disputes.

4. Moreover, the discovery dispute subject matter of Plaintiff's instant motion is inappropriate as a Motion *in Limine*. In further response, Defendants stand by their objections and believe that the discovery has been responded to adequately.

For the reasons stated above, Defendants respectfully request an Order of the Court denying Plaintiff's Motion *in Limine* as set forth above.

Respectfully submitted,

LAUREN ALLEN, LLC

/s/ Lauren Perkins Allen  
Lauren Perkins Allen #49845  
2345 Grand Boulevard, Suite 1600  
Kansas City, Missouri 64108  
T: 816.877.8120  
F: 816.817.1120  
Email: [lpal@laurenallenllc.com](mailto:lpal@laurenallenllc.com)

and

W. Swain Perkins #22976  
PERKINS & O'NEILL, LLC  
304 East Walnut  
Thayer, Missouri 65791  
T: 417.264.7118  
F: 417.264.7141  
Email: [law@perkinslawoffice.com](mailto:law@perkinslawoffice.com)

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was filed via the Court's Electronic Filing System this 2<sup>nd</sup> day of August, 2018 which sent notification and copy of the pleading to counsel of record.

*/s/ Lauren Perkins Allen  
Attorney for Defendants*